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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,793	07/13/2001	Kiyoshi Ota	450100-03343	1790
20999	7590	12/01/2006	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151				JONES, HEATHER RAE
		ART UNIT		PAPER NUMBER
		2621		

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/904,793	OTA ET AL.
Examiner	Art Unit	
Heather R. Jones	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 18 September 2006.  
2a)  This action is **FINAL**.                    2b)  This action is non-final.  
3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 3-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 3-20 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 13 July 2001 and 18 September 2006 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All    b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

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**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_ .  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_ . 5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_ .

**DETAILED ACTION**

***Response to Arguments***

1. Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15. Therefore, the rejection is maintained.

***Claim Rejections - 35 USC § 102***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 3-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamashita (U.S. Patent 6,675,180).

Regarding claim 3, Yamashita discloses a data recording/reproducing apparatus for recording or reproducing content data onto a disc-like recording medium, comprising: management means for generating management information to be recorded onto the disc-like recording medium; and control means (101) for performing recording/reproducing control on the disc-like recording medium; wherein first and second management areas (121 and 122) for storing management information and a procedure storage area for storing recording procedure of recording management information into each of the management areas, and the control means records same management information into the first and second management areas, and records information indicating that writing management information onto the first management area is

started and information indicating that writing of management information onto the second area is started, into the procedure storage area (Fig. 6; col. 14, lines 25-49).

Regarding claim 4, Yamashita discloses all the limitations as previously discussed with respect to claim 3 including that the control means reproduces management information from either the first or second management area, based on the recording procedure information stored in the procedure storage area (Fig. 7; col. 13, lines 11-42).

Regarding claim 5, Yamashita discloses all the limitations as previously discussed with respect to claim 3 including that the control means records information indicating that writing of management information onto the first management area is started onto the procedure storage area, records the management information onto the first management area, records information indicating that writing of management information onto the second storage area is started onto the procedure storage area, records same management information as the management information recorded onto the first management information, onto the second management area, and deletes information recorded on the procedure storage area when recording onto the second management area ends (Fig. 6; col. 12, line 20 – col. 13, line 6).

Regarding claim 6, Yamashita discloses all the limitations as previously discussed with respect to claims 3 and 5 including that the control means reproduces management information from the second management area if the

information indicating that the writing of management information onto the first management area is started is recorded in the procedure storage area, and the control means reproduces management information from the first management area if the information indicating that the writing of management information onto the second management area is started is recorded in the procedure storage area (Fig. 6; col. 14, lines 25-49).

Regarding claim 7, Yamashita discloses all the limitations as previously discussed with respect to claim 3 including that the management information is management information of the file system of the disc-like recording medium (Fig. 4).

Regarding claim 8, Yamashita discloses all the limitations as previously discussed with respect to claim 3 including that the management information is content data management information for managing content data recorded on the disc-like recording medium (Fig. 4).

Regarding claim 9, Yamashita discloses a data recording/reproducing apparatus for recording or reproducing content data onto or from a disc-like recording medium, comprising: a file system for generating management information of a file system of the disc-like recording medium (Figs. 3 and 4); file management means for generating file management information of content data to be recorded onto the disc-like recording medium; and control means (101) for control of recording/reproducing with respect to the disc-like recording medium; wherein first and second file system management areas (121 and 122) for storing

management information of the file system, first and second content data management areas for storing management information of content data, a first procedure storage area for storing recording procedure information of recording onto each of the file system management areas, and a second procedure storage area for storing recording procedure information onto the content data management areas are provided in the disc-like recording medium, and the control means records same file system management information onto the first and second file system management areas, records same content data management information onto the first and second content data management areas, records information indicating that writing of the file system management information onto the first file system management area is started as well as information indicating that writing of the file system management information onto the second file system management area is started, onto the first procedure storage area, and records information indicating that writing of the content data management information onto the first content data management area is started as well as information indicating that writing of the content data management information onto the second content data management area is started, onto the second procedure storage area (Fig. 6; col.11, lines 17-20; col. 12, line 20 – col. 13, line 6; col. 14, lines 25-49).

Regarding claim 10, Yamashita discloses all the limitations as previously discussed with respect to claim 9 including that the control means reproduces the file system management information from either one of the first and second file

system management areas, based on the recording procedure information stored in the first procedure storage area, and reproduces the content data management information from either one of the first and second content data management areas, based on the recording procedure information stored in the second procedure management area (Fig. 7; col. 13, lines 11-42).

Regarding claims 11-16, these are method claims corresponding to the apparatus claims 3-8. Therefore, claims 11-16 are analyzed and rejected as previously discussed with respect to claims 3-8.

Regarding claims 17 and 18, these are method claims corresponding to the apparatus claims 9 and 10. Therefore, claims 17 and 18 are analyzed and rejected as previously discussed with respect to claims 9 and 10.

Regarding claims 19 and 20, these are disc-like recording medium claims corresponding to the apparatus claims 3 and 9. Therefore, claims 19 and 20 are analyzed and rejected as previously discussed with respect to claims 3 and 9. Furthermore, Yamashita discloses a disk-like recording medium (102) (col. 7, lines 9-13).

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

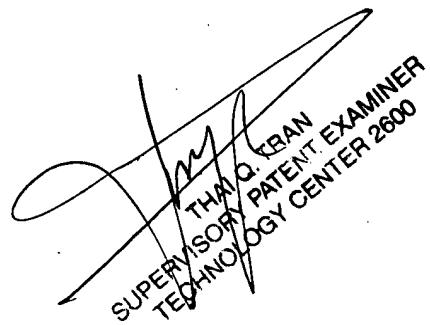
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R. Jones whose telephone number is 571-272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R. Jones  
Examiner  
Art Unit 2621

HRJ  
November 27, 2006



A handwritten signature of Heather R. Jones is written diagonally across the page. The signature is in cursive and appears to read "HEATHER R. JONES". Below the signature, the text "SUPERVISORY EXAMINER" is written vertically, followed by "PATENT TECHNOLOGY CENTER 2600".